

Bradford Hodach, CA State Bar #257011
LAW OFFICES OF BRADFORD HODACH
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Attorney for Debtor(s)

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

In re) CASE NUMBER: 10-44300
)
)
Mirasol C. Castro,) NOTICE OF FIRST AMENDED
) CHAPTER 13 PLAN AND
Debtor(s).) OPPORTUNITY TO OBJECT
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)
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**TO THE CHAPTER 13 TRUSTEE, U.S. TRUSTEE, AND ALL INTERESTED PARTIES
AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that the above-referenced debtor(s) has filed a First Amended Chapter 13 Plan, attached hereto. Please be notified that all parties have 28 day notice of this amended plan and an opportunity for objection and hearing on an objection pursuant to Federal Rules of Bankruptcy Procedure.

Bankruptcy Local Rule 9014-1 of the United States Bankruptcy Court for the Northern District of California prescribes the procedures to be followed. Objections or requests for a hearing must therefore be in writing and filed with the Clerk of the Bankruptcy Court, Street

1 **Address: 1300 Clay Street, Suite 300, Oakland, CA 94612; Mailing Address: Post Office Box**
2 **2070, Oakland, CA 94604-2070, and served upon Bradford Hodach, Attorney for the Debtor at**
3 **the address indicated above not later than 20 days after the service of this notice.**

4 ***Any objection or opposition to the motion must be accompanied with a declaration or***
5 ***memorandum of law in support of the objection. If an objection is timely filed and***
6 ***served, the Debtor will obtain a hearing date and give the objecting party and any***
7 ***trustee or committee appointed in the case at least 10 days written notice of the***
8 ***hearing. The moving party may ask the court to enter the order requested by default***
9 ***and without an actual hearing if an objection is not timely filed and served.***

10 Dated: September 23, 2010

LAW OFFICES OF BRADFORD HODACH

11 /s/Bradford Hodach

12 Bradford Hodach
13 Attorney for Debtor
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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re: **Mirasol C Castro**

Case No. **10-44300**

CHAPTER 13 PLAN

Debtor(s).

1. The future earnings of the debtor(s) are submitted to the supervision and control of the trustee, and the debtor(s) will pay to the Trustee the sum of \$ **1,242.00** * each month for **60** months.
Debtor(s) elect a voluntary wage order. _____.
2. From the payments received, the Trustee will make disbursements in accordance with the Distribution Guidelines as follows:
 - (a) On allowed claims for expenses of administration required by 11 USC §507.
 - (b) On allowed secured claims, which shall be treated and valued as follows:

§506	Non §506	Name	Value of Collateral	Claim Amount	Pre-confirmation Adequate Protection	Post confirmation Payments	Estimated Mortgage Arrears	Interest Rate (If Specified)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Franchise Tax Board	5,678.35		0.00	115.88		0.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	IRS	3,800.00		0.00	77.55		0.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wachovia	861,500.00		0.00	2,074.55	101,653.00	0.00

With respect to secured claims per §506, valuation stated shall bind unless a timely objection to confirmation is filed. With respect to non §506 secured claims as referenced in §1325, the claim, to the extent allowed, shall control. If an interest rate is not specified, 5/6% per month (10% per annum) will be paid. A secured creditor shall retain its lien until the earlier of the payment of the underlying debt determined under non-bankruptcy law or discharge under section §1328.

- (c) On allowed priority unsecured claims in the order prescribed by 11 USC § 507. Priority claims shall be paid in full except to the extent allowed otherwise under 11 U.S.C. § 1322(a)(4).
 - (d) On allowed general unsecured claims the debtor(s) estimate(s) the general unsecured claims will be paid **Pro Tanto** %.
3. The following executory contracts are rejected. The debtor(s) waive the protections of the automatic stay provided in 11 U.S.C. § 362 to enable the affected creditor to obtain possession and dispose of its collateral without further order of the court. Any allowed unsecured claim for damages resulting from rejection will be paid under paragraph 2(d).
-NONE-
4. The debtor(s) will pay directly the following fully secured creditors and lessors:

Name	Monthly Payment
Wachovia	4,612.00
5. The date this case was confirmed will be the effective date of the plan.
6. The debtor(s) elect to have property of the estate revert in the debtor(s) upon plan confirmation. Once the property reverts, the debtor(s) may sell or refinance real or personal property without further order of the court, upon approval of the Chapter 13 Trustee.
7. The debtor(s) further propose pursuant to 11 USC § 1322(b):

***The plan is a step plan or has lumpsum payments which will pay as follows: \$1,242.00 per month for 4 months, then \$2,806.00 per month for 56 months**

Special Intentions:
Franklin Credit Mngmnt: Debtor(s) intend to avoid lien.

Debtor will file objection to priority claim of A.T.L. Tax and Financial Services. (Claim #3-1)

Debtors' plan classifies the claim of 2nd Deed of Trust (Franklin Credit Management) on 5656 West Cog Hill Terrace, Dublin, as a non-priority unsecured claim and treats the claim under the provisions of paragraph 2 (d). Debtor alleges that the value of a senior lien exceeds the value of the claim holder's collateral (5656 West Cog Hill Terrace, Dublin, CA 94568). The debtors' plan therefore values the interest of 2nd DOT, in the collateral securing 2nd DOT's second deed of trust claim as "zero." The court shall determine the value of the claim on debtors' motion and after a hearing on notice to holder of the secured claim. The Trustee shall not make any disbursements to the allowed secured claim of Franklin Credit Management for the 2nd DOT on 5656 West Cog Hill Terrace, Dublin, CA 94568.

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Tel: (510) 444-7250
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Attorney for Debtor(s)

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MIRASOL C. CASTRO,

Debtor(s).

CASE NUMBER: 10-44300

CHAPTER 13

CERTIFICATE OF SERVICE

I declare as follows:

I am employed in the Law Offices of Bradford Hodach; I am over the age of 18 years and not a party to the within action; my business address is 1212 Broadway, #706, Oakland, California, 94612.

I am readily familiar with my employer's business practice for collection and processing of correspondence for mailing with the United States Postal Service.

On September 23, 2010, I served a copy of the following documents:

1. AMENDED CHAPTER 13 PLAN; AND
2. NOTICE OF AMENDED CHAPTER 13 PLAN AND OPPORTUNITY TO OBJECT

1 on the party or parties named below by following ordinary business practice, placing a true
2 copy thereof enclosed in a sealed envelope, for collection and mailing with the United States
3 Postal Service where it would be deposited for first class delivery, postage fully prepaid, in
4 the United States Postal Service that same day in the ordinary course of business.

5
6 **Martha G. Bronitsky**
7 **P.O. Box 5004**
8 **Hayward, CA 94540-5004**

9
10 **AND THE ATTACHED LIST OF INTERESTED PARTIES**

11 I declare under penalty of perjury under the laws of the United States that the foregoing is
12 true and correct.

13 Executed on September 23, 2010 at Oakland, California.

14 /s/ Richelle Taylor

15 Richelle Taylor
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Ya Ping Mi
c/o Edward Hung
Wong & Associates
413 Third Street
Oakland, CA 94607-3816

Bradford Hodach
Law Offices of Bradford Hodach
1212 Broadway #706
Oakland, CA 94612-1806

Martha G. Bronitsky
P.O. Box 5004
Hayward, CA 94540-5004

Mirasol C Castro
5656 W Cog Hill Terrace
Dublin, CA 94568-1166

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Americredit
801 Cherry St 3900
Fort Worth, TX 76102

Bmw Financial Services
Po Box 3608
Dublin, OH 43016

Chase
Po Box 1093
Northridge, CA 91328

Internal Revenue Service
P.O. Box 21126
Philadelphia, PA 19114

Wach/rec
P O Box 3117
Winston Salem, NC 27102

End of Label Matrix
Mailable recipients 33
Bypassed recipients 0
Total 33